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March 10, 2008

**VIA ELECTRONIC FILING**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 North King Street  
Wilmington, DE 19801

**Re: Symbol Technologies, Inc., et al v. Aruba Networks, Inc.**  
**C.A. No. 07-519-JJF**

Dear Judge Farnan:

We represent plaintiffs in the above-referenced action. We write in response to the letter from defendant's counsel of last Friday, and in further support of plaintiffs' request that the Court set up a scheduling conference in this case. Plaintiffs respectfully submit that defendant's filing of a reexamination request concerning one of the four patents-in-suit should not delay setting the entry of a schedule herein.

This case was commenced last August. Defendant waited more than six months to file a reexamination request concerning only one of the four patents-in-suit. The Patent Office has not yet determined when it will act on it let alone whether reexamination will be granted. The letter from defendant's counsel states that defendant intends to file for reexamination as to the other three patents-in-suit. We do not know when the requests will be filed, when the PTO will act on the requests if they are filed, and whether the requests will be granted.

With respect to the merits of a motion to stay that defendant apparently intends to make, plaintiffs will respond if and when such a motion is made. In the meantime, plaintiffs respectfully submit that there is no just reason for delaying the entry of a schedule in this action.

Finally, defendant's letter criticizes our prior characterization of discussions among counsel leading up to the filing of our letter requesting the scheduling conference. The facts are these – we raised the issue of a proposed scheduling order with defendant's lead counsel on February 22. When we heard nothing in response through that route, we contacted defendant's local counsel on February 26, and were told that counsel would discuss the issue with their client. Hearing nothing by the following Monday, we informed counsel on March 3 that we

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would file our request for a scheduling conference that Wednesday, March 5. It was only when we informed them of that deadline that we were informed that defendant was going to seek a stay of this case.

Respectfully submitted,

*/s/ Richard L. Horwitz*

Richard L. Horwitz

RLH/msb  
853820 / 32106

cc: Clerk of the Court (via hand delivery)  
All Counsel of Record (via electronic mail)